

Express Mail No.: EL 501 636 145 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Siegall et al.

Serial No.: To be assigned

Examiner: To be assigned

Filed: On even date herewith

Group Art Unit: To be assigned

For: NUCLEIC ACIDS ENCODING ANTI-CD40
PROTEINS AND METHODS OF PRODUCING
RECOMBINANT ANTI-CD40 PROTEINS
(as amended)

Attorney Docket No.: 9632-014

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56 and § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references AA through CE listed on the attached revised form PTO 1449.

The above identified application is a divisional of U.S. Patent Application Serial No. 09/328,296 filed June 8, 1999. Pursuant to 37 C.F.R. §1.98(d), the Examiner is directed to the file of Application Serial No. 09/328,296 for copies of the listed references AA-AI, AK-AP, AR, AT-AV, AX-BY, and CA-CE, which were all made of record in the prosecution history of Application Serial No. 09/328,296. Copies of references AJ, AQ, AS, AW, and BZ are provided herewith.

While not to be construed as indicating that the Examiner should not review and consider all the cited references, the Examiner's attention is particularly directed to the following references: AE, AG, AH, AJ, AQ, AS, AT, AW, BB, BM, BP, BR, BS, BZ, and CB.

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Identification of the above-listed references is not to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since that form identifies all of the references cited therein as "Prior Art." As an alternative, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited".

Applicants request that the Examiner review all the references identified on the attached revised PTO Form 1449, and that they be made of record in the file history of the above-identified application.

Pursuant to 37 C.F.R. § 1.97(b)(3), since this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits, Applicants estimate that no fee is required. However, should the Patent and Trademark Office determine that a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150; a duplicate sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: November 28, 2000

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